

PREVAILED

Roll Call No. _____

FAILED

Ayes _____

WITHDRAWN

Noes _____

RULED OUT OF ORDER

HOUSE MOTION _____

MR. SPEAKER:

I move that House Bill 511 be amended to read as follows:

- 1 Page 4, between lines 36 and 37, begin a new paragraph and
- 2 insert:
- 3 "SECTION 9. IC 13-30-6-1 IS AMENDED TO READ AS
- 4 FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 1. (a) A person who
- 5 intentionally, knowingly, or recklessly violates:
- 6 (1) environmental management laws;
- 7 (2) air pollution control laws;
- 8 (3) water pollution control laws;
- 9 (4) a rule or standard adopted by one (1) of the boards; or
- 10 (5) a determination, a permit, or an order made or issued by the
- 11 commissioner under environmental management laws or IC 13-7
- 12 (before its repeal);
- 13 commits a Class D felony.
- 14 (b) Notwithstanding IC 35-50-2-7(a), a person who is convicted of
- 15 a Class D felony under this section (or IC 13-7-13-3(a) before its
- 16 repeal) may, in addition to the term of imprisonment established under
- 17 IC 35-50-2-7(a), be punished by:
- 18 (1) a fine of not less than ~~two five~~ thousand ~~five hundred~~ dollars
- 19 ~~(\$2,500)~~ **(\$5,000)** and not more than ~~twenty-five~~ **fifty** thousand
- 20 dollars ~~(\$25,000)~~ **(\$50,000)** per day of violation; or
- 21 (2) if the conviction is for a violation committed after a first
- 22 conviction of the person under this section (or IC 13-7-13-3(a)
- 23 before its repeal), a fine of not more than ~~fifty one~~ **hundred**
- 24 thousand dollars ~~(\$50,000)~~ **(\$100,000)** per day of violation.
- 25 SECTION 10. IC 13-30-6-3 IS AMENDED TO READ AS

1 FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 3. (a) A person who
2 knowingly:

3 (1) transports any hazardous waste to a facility that does not have
4 an operation permit or approval to accept the waste;

5 (2) disposes, treats, or stores any hazardous waste without having
6 obtained a permit for the waste; or

7 (3) makes a false statement or representation in an application, a
8 label, a manifest, a record, a report, a permit, or other document
9 filed, maintained, or used under environmental management laws
10 with regard to hazardous waste;

11 commits a Class D felony.

12 (b) Notwithstanding IC 35-50-2-7(a), a person who is convicted of
13 a Class D felony under this section may, in addition to the term of
14 imprisonment established under IC 35-50-2-7(a), be punished by:

15 (1) a fine of **not less than two thousand five hundred dollars**
16 **(\$2,500)** and not more than ~~twenty-five~~ **fifty** thousand dollars
17 ~~(\$25,000)~~ **(\$50,000)** for each day of violation; or

18 (2) if the conviction is for a violation committed after a first
19 conviction of the person under this section, IC 13-30-6-1,
20 IC 13-30-6-2, or IC 13-7-13-3 (before its repeal), a fine of not
21 more than ~~fifty~~ **one hundred** thousand dollars ~~(\$50,000)~~
22 **(\$100,000)** per day of violation.

23 Renumber all SECTIONS consecutively.

(Reference is to ESB 511 as printed February 17, 2000.)

Representative KRUZAN